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PATENT

Attorney Reference Number 3005-58065-01
Application Number 09/770,942

Remarks

I. Status of the Application

Claims 1, 2, 8, 10-14, 18, 21-23, 28-36, 47-50, 52, 69-84, 87, 89-92, 94 and 96-113 presently are allowed in the application. Claims 3-7, 9, 15-17, 19-20, 24-27, 37-46, 51, 53-68, 85-86, 88, 93, and 95 have been cancelled.

By this amendment new claims 114-119 will be added.

Thus, after entry of this amendment claims 1, 2, 8, 10-14, 18, 21-23, 28-36, 47-50, 52, 69-84, 87, 89-92, 94 and 96-119 will allowed in the application.

II. New Claims

New claims 114-119 should be allowed because they all depend from claim 1. Since claim 1 has been allowed and thus acknowledged to be novel and non-obvious in view of the prior art of record, all dependent claims, including new claims 114-119 also define patentable combinations that are allowable. No new search is required and no new issues are raised because all the new claims are narrower in scope than the invention of claim 1, from which the new claims depend.

Although dependant from claim 1, each of new claims 114-119 defines a combination that is inventive in its own right. For example:

Claim 114 calls for a method where the gas sample is an air sample, which is pneumatically focused and analyzed by gas chromatography.

Claim 115 calls for a method where the gas sample is breath sample, which is pneumatically focused and analyzed by gas chromatography.

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Claim 116 calls for a method where the gas sample is an air sample that is continuously provided for pollution analysis by gas chromatography.

Claim 117 calls for a method where the gas sample is a breath sample that is continuously provided for analysis by gas chromatography.

Claim 118 calls for a method where the gas sample is an exhalation from a respiratory organism, which is pneumatically focused and analyzed by gas chromatography.

Claim 119 calls for a method where a water sample is converted to a gas sample, pneumatically focused and analyzed by gas chromatography.

Support for new claims 114-119 can be found throughout the application, for example, from page 9, line 24 to page 10, line 2, in Examples 1, 2, 3, and 6 (air samples), in Examples 7 and 15 (breath sample analysis, and analysis of out-gassing substances from respiratory organisms), and in Example 16 (analysis of water samples).

Applicant therefore respectfully requests entry of this amendment and allowance of new claims 114-119.

III. Supplemental Information Disclosure Statement

A Supplemental Information Disclosure Statement (IDS) was filed for this application on May 10, 2004. However, apparently due to delay in the processing of the IDS by the Patent and Trademark Office, it appears that the Examiner did not receive access to the IDS until after Notice of Allowance was mailed. In any event, the Notice of Allowability did not acknowledge the IDS and Applicant has not received an initialed copy of the Form 1449 that was submitted with the IDS. Applicant therefore respectfully requests consideration of the cited documents and

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return of a copy of the Form 1449 that was filed on May 10, 2004, with an indication that all the references listed thereon have been considered.

IV. Conclusion


New claims 114-119 are in condition for allowance, and issuance of a Supplemental Notice of Allowance indicating that claims 1, 2, 8, 10-14, 18, 21-23, 28-36, 47-50, 52, 69-84, 87, 89-92, 94 and 96-119 are allowed is requested.

If any issues remain before issuance of a Supplemental Notice of Allowance, Examiner Frank is invited to telephone the undersigned at the phone number provided.

Respectfully submitted,

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By



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